REMARKS

This paper is submitted in response to the most-recent office action, which was final. Independent claim 42 has been cancelled to reduce the number of contested issues in the case. The Examiner will note that all pending claims share the following limitations:

"[communicating] a comparison between the performance of the given agent and the performance of the agent group, the comparison being communicated as at least one of a difference, a percent difference, and no difference, wherein the type of difference communicated is selectable by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent."

There are several substantive errors in the pending rejection. As a consequence, the Examiner has failed to make out a prima facie case of obviousness as to each of the pending independent claims, namely, claims 66, 68, 81 and 86. These errors are set forth below:

(a)   As to each of claims 66, 68, 81 and 86, the newly-cited IEX reference ("TotalView Analysis and Reporting") is cited for its alleged teaching of this limitation: "wherein the first state and the second state are selected by a supervisor entity or, if the supervisor entity has enabled a given permission, by an agent." (See, page 18, 23, and 33). This argument fails in the first instance because the limitation cited (and, in particular, the clause "wherein the first state and the second state") is not even in the claim. The Examiner here appears to have misread the actual claim language, which is set forth above.

Moreover, the IEX reference cited simply teaches the unremarkable proposition that password security can be used to limit access to data. That function, however, is not what these claims are describing. Rather, the claim limitation in question is quite specific that "the type of difference" [selected from "a difference, a percent difference, and no difference"] is selectable by the supervisor or, if enabled, by the agent. The prior art teaching of a data protection using passwords does not teach supervisor control over the differencing "type" selection, or a supervisor providing an agent control over that selection. The claims describe specific subject matter that is absent from the reference. Thus, as to this claim limitation, the Examiner has not met his burden.

(b)   In rejecting each independent claim, the Examiner has once again wrongly conflated the individual Genesys documents into something he calls the "Genesys" prior art that is then applied against the claims. Independent claim 66 is representative. As can be seen, the rejection in part relies on individual statements in each of the seven (7) separate Genesys-related references: W1, U1, U2, X1, X2, V1 and V2. In particular, because the references stand alone, they are not properly aggregated unless there is some suggestion or motivation to combine them. The Examiner has not referred to any such statements or suggestions in the documents themselves, and it is not clear from the references themselves whether their combination makes sense from a technical or legal standpoint. The Examiner responds that "[a]lthough the different offerings as disclosed in the references address various CTI functionalities related to call center operation and management, they are all part of a cohesive and integratable call center CT management offering by Genesys (emphasis supplied)." The problem with this latter argument is that there is no proof of it. The Examiner has not shown that these references "are all part" of the same product. His conclusion in this regard is wholly unsupportable by evidence. It cannot support an obviousness rejection.

(c)   The Examiner contends that one of ordinary skill in the art would interpret "charting agent performance" in the Jacobson article to mean that the reference suggests doing so on a "daily basis" if not a "shift-by-shift" basis (see page 4). This statement ignores that the author's only reference to evaluating agent performance indicates that such performance is evaluated semi-annually. The Examiner errs in attributing this feature to the article when, in effect, the article itself teaches away.

(d)   The Examiner's contention (on page 3) that "Genesys" – which, as noted above, is not prior art in any event – also teaches the following limitation:

"wherein the performance data is displayable for a given agent and at least one or more other agents in an agent's management unit, agent group or peer group by one or more views: on a cumulative basis across all skills and contact types, according to a given skill that the given agent possesses, and according to a given contact type handled by the given agent (emphasis supplied)."

In particular, the Examiner contends that "[p]roviding reports for a group or
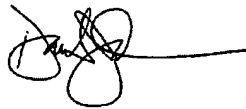
campaign meets the limitation ... since a group or campaign would include all skills and contact types within that group or campaign." This contention is incorrect as well, as the claim limitation requires something more specific, namely, providing the capability to display performance data in all three ways, including "according to a given skill that the given agent possesses, and according to a given contact type handled by the given agent." These alternatives are not fairly disclosed in any Genesys reference or in the alleged "Genesys" prior art.

Stated plainly, the cited prior art of record does not disclose any display in which agent and agent group performance data is displayed in the one or more identified views, let alone with the further requirement of "communicating a comparison between the" displayed performance data, the comparison being one of *a difference, a percent difference, and no difference*, where the difference communicated is *selectable by a supervisor or, if permitted by the supervisor, an agent*. Each claim as a whole that includes these specific features describes patentable subject matter.

It is fair to point out that the Examiner is now relying upon the combination of ten (10) separate references (W1, U1, U2, X1, X2, V1 and V2, Jacobson, Jooss and IEX) to support the rejection of these claims. That the Examiner would need to rely upon so many references in combination is strong evidence that subject matter – as a whole – is non-obvious.

A Notice of Allowance is requested.

Respectfully submitted,

By: _____

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